

REMARKS

In the Final Office Action dated October 5, 2004, claims 1-8 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by McKnight et al. (U.S. Patent No. 6,670,974). In addition, claims 9-13 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Seki et al. (U.S. Patent No. 6,570,597). Furthermore, claims 14-19 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Seki et al. and in further view of Perroux et al. (U.S. Patent No. 6,459,441). In response, Applicants have canceled claims 4 and 5, amended the independent claims 1, 9 and 14, and added claims 20-22 to more clearly distinguish the claimed invention from the cited references. In view of the amendments to the claims and the following remarks, Applicants respectfully request the allowance of the pending claims 1-3 and 6-22.

A. Patentability of Amended Independent Claims 1, 9 and 14

The independent claim 1 was rejected under 35 U.S.C. §102(e) as allegedly being anticipated by McKnight et al. In response, Applicants have amended claim 1 to more clearly distinguish the claimed invention from the cited references. As amended, the independent claim 1 recites, *"the plurality of icon portions including a main body icon portion and a pair of wing icon portions, each of the wing icon portions being connected to the main body icon portion and protruding from the main body icon portion."*

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. None of the cited references, including McKnight et al., discloses an icon *"including a main body icon portion and a pair of wing icon portions, each of the wing icon portions being connected to the main body icon portion and protruding from the main body icon portion,"* as claimed in the amended claim 1. Thus, each element of the amended claim 1 is not disclosed in McKnight et al. As such, Applicants respectfully assert that the amended claim 1 is not anticipated by McKnight et al., and thus, should be allowed.

The amended independent claim 9 recites a similar limitation of "*the icon portions including a main body icon portion and a pair of wing icon portions, each of the wing icon portions being connected to the main body icon portion and protruding from the main body icon portion.*" The amended independent claim 14 also recites a similar limitation of "*the icon portions for each of the customized icons including a main body icon portion and a pair of wing icon portions, each of the wing icon portions being connected to the main body icon portion and protruding from the main body icon portion.*" Thus, the above remarks are also applicable to the amended independent claims 9 and 14. As such, Applicants respectfully assert that the amended claims 9 and 14 are also not anticipated by McKnight et al., and thus, should be allowed.

B. Patentability of New Dependent Claim 20-22

Each of the new dependent claims 20-22 depends on one of the amended independent claims 1, 9 and 14. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these dependent claims are allowable for at least the same reasons as their respective base claims. Furthermore, each of these new dependent claims 20-22 includes the limitation of "*wherein the main body icon portion and the pair of wing icon portions are shaped to resemble components of an ornamental Venetian glass candy.*" None of the cited references discloses such icon portions, as recited in the new dependent claims 20-22. As such, Applicants respectfully submit that these new dependent claims 20-22 are neither anticipated by nor obvious over the cited references, and thus, should be allowed.

C. Patentability of Dependent Claim 2, 3, 6-8, 10-13 and 15-19

Each of the dependent claims 2, 3, 6-8, 10-13 and 15-19 depends on one of the amended independent claims 1, 9 and 14. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicants respectfully request reconsideration of the claims in view of the claim amendments and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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